

Gun bills not likely to return this year

Rancor in House, Senate too great

By Donald Lambro
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New federal gun-control laws are unlikely to reappear this year in the aftermath of last week's bitter House battle over firearm legislation, Senate Republican leaders said yesterday.

GOP leaders said that the House's bipartisan rejection of the Senate-passed gun control has killed any chance that it would reemerge in a compromise bill. Some said that even a House-Senate conference to iron out differences with the Democrats over gun-control provisions in a juvenile-justice bill is now in doubt.

"I'm not sure there is a future for the [gun-control] bill now. At the very least, Lautenberg is dead," said Sen. Larry E. Craig of Idaho, the chairman of the Senate Republican Policy Committee and a strong opponent of gun control.

The proposal by Sen. Frank J. Lautenberg, New Jersey Democrat, would have required three-day background checks on buyers at gun shows.

Sen. Don Nickles of Oklahoma, the assistant majority leader, also expressed doubts that any bill dealing with gun control would pass the Senate now. But he said that if a gun-control bill is resurrected, GOP leaders would not go beyond the weaker 24-hour gun-check substitute by Rep. John D. Dingell, Michigan Democrat, that the House passed last week before scuttling the entire bill.

"I think [the Dingell measure is] where we're at right now," Mr. Nickles told *The Washington Times*. "If the Democrats want to play politics, we may not get anything done. And the Democrats seem to be more interested in playing politics than in substance."

Senate Minority Leader Tom Daschle of South Dakota said Sunday there was "a glimmer of hope" that a gun-control measure can still be approved by a conference committee after Congress returns from the July 4 recess.

But GOP leadership officials in both houses told *The Times* that the House's rejection of the Senate background check provisions has emboldened Senate GOP lawmakers to take a stronger stand against the more restrictive gun-control proposals supported by the administration.

"After going home to their states after the House vote, they did not hear any hand-wringing or distress from their constituents," said a Senate GOP leadership official.

Mr. Craig said that Senate Majority Leader Trent Lott, who opposed the 72-hour gun-check pro-

visions but voted for the Senate bill in the end, was not prepared to move any further than the weaker Dingell substitute. "He'll be firm on this issue," he said.

But the gun-control issue is complicated by questions over whether there is a bill to take to conference. A deeply divided House, after approving the Dingell substitute, ended up killing the entire gun-control package. That left the juvenile-justice bills passed by both houses, but with the House firmly in opposition to the Senate's gun-control provisions — with most liberal Democrats calling them too weak and conservative Republicans and some Democrats calling them too strong.

"I can't imagine the House conferees defying the will of the House or the whole juvenile-justice bill goes down," Mr. Craig said.

House Majority Leader Dick Armey said that staffers were still sorting out the differences and procedural complexities in the two bills and there would be no conference on gun control until at least next month. "The House has pretty well spoken on gun control," he said.

Yet, despite Mr. Craig's assurances that Mr. Lott would not back down on the gun-control issue, others remained unsure yesterday about what the Mississippi lawmaker might do in the wake of the House's action.

Conservative GOP aides and gun rights advocates have criticized Mr. Lott for his handling of the bill and yesterday some expressed doubts about whether he could stand up to the expected political attacks from Democrats.

"We well remember how he backed down on tax cuts in 1998," said a GOP aide to a western senator.

"I have no confidence in [Mr. Lott's] leadership who screwed this up badly," said another key Senate GOP aide. "The House leadership handled it very well."

But other Senate GOP officials said that they believed the strong opposition in the House to tougher gun controls, and the absence of any serious public outcry to the bill's eventual rejection, has strengthened Mr. Lott's hand.

One GOP leadership official said it was now possible that any compromise, if there is one, might not contain any of the gun-control measures, but only the gun-safety and juvenile-justice assistance provisions.

Meantime, President Clinton's chief of staff sent a signal to Democrats who fear that voting for gun control would reendanger their reelection that he would help them defend a pro-gun-control vote in next year's elections.

"We'll go out and do anything we can to help people who vote the right way," John Podesta said in an interview with the Associated Press.

Mr. Podesta said Mr. Clinton would use his office to sell the Democrats' case on gun control and would help raise money to ensure that party lawmakers can defend their votes in the 2000 elections.

"It will be a politically sustainable vote," he said. "I don't think it's a vote that will cost anybody their seat."

Gun
legislation

Some Russians joined Serbs in Kosovo fighting

By Rowan Scarborough
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The Pentagon said yesterday that Russian volunteers joined Serbian paramilitary groups in ravaging Kosovo during the 11-week Operation Allied Force.

But spokesman Kenneth Bacon said there is evidence of only "very small numbers" of Russians involved in the Kosovo fighting. The full extent of their participation may be known after war-crimes investigators on the scene complete a wide-ranging probe, he said.

"We certainly know that Russians participated, Russian volunteers, mercenaries, we believe, did participate with paramilitary and other Serb forces," Mr. Bacon said. He cited sources within the separatist KLA, which has waged a two-year war against Serbian forces.

Pentagon officials said they know of no evidence that the

volunteers had Moscow's blessings.

Mr. Bacon said he does not expect the role of Russian volunteers during the war to be a harbinger of how regular Russian army soldiers will conduct themselves as part of a NATO-led peacekeeping force in Kosovo, known as Kfor.

"I want to point out that when the Russian forces arrive as part of Kfor, we expect them to be totally fair and professional in their dealings with both Serbs and Kosovar Albanians," Mr. Bacon said.

Russian troops have participated since 1995 in NATO peacekeeping in neighboring Bosnia-Herzegovina.

Mr. Bacon said those troops "have been very stalwart and successful members of the peacekeeping force. I anticipate that the Russian troops coming to Kosovo will be exactly the same."

Russia sided publicly with Yugoslavia during 78 days of NATO air strikes on Yugoslavia. But in the end, Russian President Boris Yeltsin backed a U.S.-sponsored peace deal. It calls for the complete removal of Serbian troops and paramilitary forces from Kosovo, and the introduction of the 50,000-troop peacekeeping force.

But Russia jumped the gun June 11, sending a few hundred soldiers from Bosnia-Herzegovina through Belgrade to the provincial capital in a show of Slavic unity with Kosovo's Serbs.

Since then, Defense Secretary

William S. Cohen and the Russian defense minister have agreed on a detailed plan for Russian involvement.

The Russians will deploy five battalions totaling 3,600 troops in sectors controlled by the United States, Germany and France. They also will be able to maintain their small troop presence in the British sector at the airport in Pristina, the capital of Kosovo.

The Russians will not be under NATO command but will be expected to carry out tasks delegated by the NATO commander.

"We anticipate that this will work smoothly," Mr. Bacon said. "We've been able to work smoothly with the Russians in Bosnia, and we have no indication that we won't be able to work smoothly with them in Kosovo."

Mr. Bacon was responding to a report yesterday in New York Newsday that about 60 Russians participated in the killings of hundreds of ethnic Albanians around the town of Prizren. Newsday also quoted witnesses as saying a Russian-led paramilitary force ravaged homes in Djakovica, 30 miles from Prizren.

"I do not have verification that there were units or groups of the size that Newsday reports, but we do believe that there was some Russian participation," Mr. Bacon said.

"I don't think we have firm evidence on the numbers of Russian troops or where they operated," the Pentagon spokesman said. "These are facts that may come out later. But we didn't have very detailed evidence that there were

Russian mercenaries involved. We did have reports from the [KLA]."

As of yesterday, about 20,000 NATO troops had entered Kosovo.

In Moscow, as the Russian parliament neared approval of the country's peacekeeping role, new discontent surfaced.

Former Premier Viktor Chernomyrdin, a key player in conveying NATO's demands to Yugoslav President Slobodan Milosevic, voiced objections to a KLA-NATO deal on Sunday that allows the rebel army to keep small arms and non-automatic rifles.

The Russian news agency Interfax quoted Mr. Chernomyrdin as saying he discussed full KLA disarmament with the United States. "We must be there," Mr. Chernomyrdin was quoted as saying. "We are far from indifferent about what is happening near our home."

**21ST CENTURY CRIME BILL
FIREARMS PROVISIONS**

Proposals Contained in Draft Bill	Description	Comments
Gun shows	Requires NICS checks and new record keeping requirements for all gun transfers occurring at gun shows.	President previously announced support. Proposal language result of Presidential directive. Rep. Blagojevich and Sen. Lautenberg lead Hill supporters.
Brady waiting period	Reinstates a waiting period prior to handgun sale. Imposes new minimum 3-day waiting period, but allows government up to 5 days to complete background check.	President reaffirmed position in SOTU. Priority for Handgun Control. Senator Durbin's proposal is different than previous waiting period contained in pre-NICS phase of Brady Law, which permitted up to 5 days for check, but had no minimum wait. Strongly opposed by NRA. IACP supportive but most law enforcement organizations have no position.
Juvenile Brady	Imposes lifetime ban on firearms possession for individuals who committed certain violent crimes as juveniles.	Contained in Administration's 1997 juvenile crime bill. President reaffirmed position in SOTU. Provision contained in Hatch 1999 juvenile crime bill.
Child safety locks	Requires FFLs to sell with every firearm sold a child safety lock or a gun storage box that meets certain requirements. Would also cover smart gun technology.	Cited in SOTU. This provision has been revised from previously Administration proposal to allow sale of gun storage box to meet the FFL requirement. Sens. Boxer and Kohl, and Rep. Carson have proposed legislation. FOP supports provision.
Transfer of firearms to juveniles	Increases penalty for prohibited firearms transfers to juveniles. Eliminates probation as mandatory sentence for juveniles who possess firearms unlawfully.	Contained in Administration JJ bill. Elimination of probation meant to encourage more prosecutions.
Obliterated serial number	Increases the penalty for knowingly receiving a firearm with an obliterated or altered serial number from 5 to 10 years.	Contained in Administration JJ bill.

Proposals Contained in Bill	Description	Comment
FFL Record keeping	Increases the penalty for the most serious record keeping violations by FFLs (from misdemeanor to up to 5 years).	Contained in Administration JJ bill.
Security at FFLs	Gives ATF authority to promulgate regulations mandating certain minimum security requirements for FFLs.	Contained in 1997 Administration JJ bill.
New penalties for FFLs	Provides new administrative and civil money penalties for violations of Gun Control Act by FFLs.	Contained in Administration JJ bill.
Old FFL records	Authorizes ATF to receive the records of FFLs who are still in business, but who want to submit their records over 20 years old to ATF. Current law prohibits ATF from receiving records from FFLs that are <u>still in business</u> .	New provision. Will assist law enforcement tracing efforts of older guns used in crimes.
FFL felons	Permits termination of an FFL's license upon felony conviction. Current law allows FFL to <u>keep license throughout exhaustion of appeals</u> .	New provision.
Inspections of FFLs	Increases the number of annual inspections of FFLs that ATF is allowed to conduct without probable cause from one to 3.	New provision.
* FFL reports on used guns	Requires FFLs to submit 30-day reports to ATF on sales of used firearms sold. <i>Records of purchasers, send serial #s to ATF</i>	New provision. This will substantially expand crime gun tracing efforts for the large number used guns that are later used in crimes.
Firearms conspiracy	Increases the penalty for conspiracies to commit <u>any</u> violations of federal firearms laws.	Contained in Administration JJ bill.
RICO	Adds a number of firearms offenses as predicates under the RICO statute.	Contained in Administration JJ bill. <u>Strongly</u> opposed by Senate Republicans and the NRA.
Forfeiture	(1) Provides authority to forfeit guns used to commit crimes of violence and all felonies. (2) Provides authority to ATF to forfeit certain other property related to gun crimes.	Contained in Administration JJ bill.

Background checks for explosives purchasers	Requires NICS check on persons trying to buy explosives from federally-licensed explosives dealers.	Contained in ICCA.
Black powder	Prohibits felons from possessing any quantity of black powder. Current law allows felons to possess up to 50 pounds of black powder.	Contained in ICCA. Intended to thwart pipe bombs filled with black powder, and use of antique firearms that require black powder.
Juvenile drug offenses as predicates	Adds to the list of predicate offenses for the Armed Career Criminals Act (which carries 15-year mandatory minimums) any act of juvenile delinquency if committed by an adult would be a serious drug offense.	New provision.
Predicates to Armed Career Criminals Act (ACCA)	Makes certain prior convictions under the Gun Control Act (e.g., felon in possession of a gun) predicate crimes for purposes of the Armed Career Criminal Act.	New provision.
Illegal arms trafficking investigations	Amends Arms Export Control Act to permit law enforcement agencies to engage in undercover transactions designed to detect illegal arms trafficking without formal Presidential finding and notice to Congress (as required under current law).	Contained in previous versions of International Crime Control Act (ICCA)
NFA Statute of Limitations	Extends the statute of limitations for National Firearms Act offenses (e.g., unlawful making or possession of explosive bombs) from 3 to 5 years.	New provision.
Common carriers	Requires common carriers (e.g., FedEx) to report firearms thefts or loss within 48 hours.	New provision. ATF Performance Report confirms that gun thefts are a problem with common carriers. Currently, only UPS voluntarily submits theft data to ATF.
Gunsmith licenses	Requires separate licenses for those engaged in the business of repairing firearms, and would impose a lower licensing fee on gunsmiths than dealers.	New provision.

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Internal proposals: Not included in bill	Description	Comments
One-handgun-a-month	Restricts all lawful gun purchasers to one handgun during every 30-day period. Would help to deter straw purchasers and illegal gun trafficking between states with restrictive gun laws and those with lax laws.	Major initiative strongly supported by Handgun Control. If enacted, would require creation of registry or database to track gun sales.
Antique firearms	Cures provision in law which prevents prosecutions of individuals who commit crimes of violence using an antique firearm.	Unclear that antique firearms are an identifiable problem in violent crime.
<i>Ex parte</i> domestic violence orders	Criminalizes possession of a gun after service of a domestic violence restraining order even if that order has been issued after an <i>ex parte</i> hearing.	According to DOJ, would prohibit possession during critical time when domestic violence occurs. Practical issues over whether relevant info on <i>ex parte</i> orders would be available for background check. Likely to generate controversy with law enforcement groups who oppose recent domestic violence misdemeanor gun ban.
Redefine "transfer" under NFA	Closes a loophole in existing law which permits some dealers to avoid appropriate tax on weapons subject to the National Firearms Act (NFA).	Dropped in general attempt to leave out tax/fee issues in crime bill.
Applications to engage in business under NFA	Gives Treasury Secretary authority to designate the place that dealers in certain firearms must register; requires applications to be filed with Secretary for engaging in business of importing, manufacturing, and dealing in weapons covered by NFA.	
"Engaged in the business" of selling firearms	Clarifies circumstances under which an individual must have a license to deal in firearms, including changes to statutory definitions.	Follow up to other gun show recommendations. Proposal language may not be ready by time transmittal.

Hill proposals	Description	Comment
? Child Access Protection (CAP)	Establishes liability for adults who inappropriately allow children easy access to firearms. <i>Push</i>	Senator Durbin proposal. President announced support for the principles of CAP at 8/98 event. Durbin bill voted down in Senate FY 99 CJS appropriations. Internal disagreements w/DOJ and Treasury over appropriate standards for liability. Decision not to include in bill but will reference support for Durbin in transmittal letter.
Gun maker liability	Allows localities to sue for the federal costs associated with firearms. Damages that could be recouped include those relating to medical expenses, costs of continuing care and disabilities and lost wages incurred as a result of sale, distribution, use, or misuse of a firearm. Federal damages recovered must be spent accordingly: one-third returned to feds for crime prevention, mentoring, and injury prevention; one-third to locals for law enforcement activities; and one-third to locals for education, child care or children's health.	Sens. Lautenberg/Durbin proposal. Roughly uses tobacco legislation as model for firearms litigation recoupment. <i>meet w/Ricker</i>
Junk guns	Applies same quality and safety standards to domestically-manufactured handguns as those applied to imported handguns.	Senator Boxer proposal. Goal is to ban certain cheap, poorly made domestic handguns that are among the most frequently used in crimes.
ATF regulation of firearms safety	Authorizes ATF to regulate manufacture, distribution and sale of firearms. Sets a penalty of \$500 per violation for civil violations; criminal penalties may include imprisonment for not more than two years and/or fines. Creates a firearms violence information clearinghouse to study data on firearms industry and related injuries.	Senator Torricelli/Rep. Kennedy proposal. Purpose is to give ATF authority (as opposed to Consumer Products Safety Commission) to establish consumer and safety-related regulations for firearms.
* Large capacity military magazines (LCCMs)	Bans the importation of large capacity military magazines (clips that hold more than 10 rounds of ammunition).	Senator Feinstein revised proposal. Rep. Dingell concerns with provisions in 1994 Crime Act to grandfather LCCMs. Full Senate voted down similar provision during FY 99 CJS appropriations.

* Gun Kingpin Penalty Act	Creates new <u>gunrunning crime</u> with stiff mandatory minimum penalties. New crime applies to individuals who smuggle 5 or more guns across state lines in a one-year period to sell them. Severe penalties for "kingpins" who smuggle 50 more guns in a one-year period. Authorizes 200 new Treasury law enforcement personnel to investigate gunrunners and kingpins.	Schumer/Torricelli/Durbin bill. Addresses the gun trafficking issue without limiting sales to lawful purchasers, such as one-gun-a-month. Would encourage more federal prosecutions of trafficking cases.
Childproof guns	Requires childproof guns (firearms that cannot be fired by an unauthorized user) within 3 years after enactment. Within 90 days after enactment, require locking devices to be sold with guns.	Lautenberg proposal. Unclear that childproof technology could be widely available at reasonable cost within a few years.
Taking firearms from law enforcement	Provides 10 to 15 year mandatory minimum penalty for taking firearm from a federal law enforcement officer; 5 to 10 years for attempt.	Rep. Ney proposal.
Background checks for surplus military weapons	Require audit of firearms sales of the Corporation for the Promotion of Rifle Practice and Firearms Safety to ensure compliance with federal gun laws. [DOD transfers military surplus weapons to the Corporation.]	Lautenberg/ ^{Maloney} McCarthy proposal. Responds to GAO report that found that the Corporation was not conducting background checks on military surplus weapons transferred to gun clubs. Corporation has since indicated that it is conducting NICS checks on transfers.
Gun buy back programs	Authorizes \$15 million per year for a new Justice Department grant program to fund community gun buy back programs.	Rep. Kennedy bill.
Child handgun safety	(1) Requires Treasury Secretary to prescribe regulations over design, manufacture and performance of handgun discharge protection products (e.g., safety locks, smart guns) within one year of enactment. (2) Permits Secretary to issue order to prohibit manufacture and transfer of handgun discharge protection products that do not meet regulation. (3) Requires handgun warning labels. (4) Requires manufacturers, importers and FFLs to report to Treasury information they receive on child injury or death involving their products; (5) Establishes civil penalties.	Rep. Carson bill.

* Internet sales of guns	Applies existing gun laws to gun sales on Internet.	Senator Schumer proposal. Would restrict sales to FFLs and require Web sites to register with ATF. Would require guns to be sold through licensed channels.
Youth handgun ban	Bans possession and transfer of handgun to persons under age 21.	Rep. Blagojevich bill. Gun Control Act already bans transfer of handgun to individuals under age 21. 1994 Crime Act bans handgun possession to youths under age 18.
Cop killer bullets	Expands definition of armor piercing ammunition to include a projectile that may be used in a handgun that the Treasury Secretary determines to be capable of penetrating body armor. Directs Secretary to promulgate regs based on standards to be developed for uniform testing of projectiles to determine whether they can penetrate NIJ Level II-A body armor.	Senator Moynihan proposal.
Handgun ammunition	Requires importers and manufacturers of ammunition to maintain records and submit annual report on importation, shipment, production, and sale of ammunition. Increases licensing fees for manufacturers of ammunition.	Senator Moynihan bill. Moynihan has a number of proposals on ammunition with goal of preventing crime through regulation or restriction of the availability of ammunition.

* CONCEALED WEAPONS PERMITS